

18 APR 1968

MEMORANDUM FOR: Deputy Director of Personnel

SUBJECT : Travel and Transportation Expenses for [REDACTED] 25X1A9a

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1. At your request, I have pondered the questions of paying travel and transportation expenses to Mr. [REDACTED] upon his retirement, as well as the larger issue of what effects such a precedent would have in the future. 25X1A9a

2. Despite the imminency of Mr. [REDACTED] retirement and the resultant need to resolve his request expeditiously, I think we should consider the various legal, economic and policy issues posed by his claim as a basis for concluding what the Agency's policy should be from this point on, rather than just approving or denying his specific claim with the caveat that we will later submit recommendations on an appropriate Agency position for handling subsequent claims. Otherwise, we may find in retrospect that we acted upon an individual claim not only contrary to previously followed practice but also in terms of what may be established as prevailing policy thereafter. The complexities of the instant case counsel caution and full exploration of the issues. They include the following: 25X1A9a

a. Legal

(1) OGC indicated in its review of Mr. [REDACTED] claim: 25X1A9a
"By statute there is authority in the agencies including this one to pay the travel and transportation expenses of employees originally hired for overseas service back to their place of residence at time of appointment. Since Mr. [REDACTED] is in this category, we believe the DDS has the authority to approve the request." This statement was made in appreciation of the fact that Mr. [REDACTED] is assigned PCS to Washington, D. C., rather than to an overseas post. Agency Regulation [REDACTED] authorizes travel and transportation expenses of those resigning or retiring abroad to place of residence at time of appointment or place where the employee will reside, and I confirmed that this policy has been on the books since 21 July 1952. I checked all the travel regulations from the present back to the time of the CFR's without discovering any evidence of a policy permitting the payment of the travel of a retiree from a PCS point in the United States. Thus, it appears the OGC view presents a new issue for decision. 25X1A9a 25X1A

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(2) PL 110, upon which [REDACTED] is based, indicates that the Agency may pay the travel expenses of officers and employees (Section 4(1)(A)) and may pay the cost of transporting furniture and HHE of an employee upon the termination of his services to his residence at time of appointment or to a point not more distant, or, upon retirement to the place where he will reside (Section 4(1)(C)). The citation, however, is limited to

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officers and employees assigned to duty stations outside the several states.

(3) The domestic travel rights of Agency employees are subject to the provisions of BOB Circular A-56, which primarily implements the Administrative Expenses Act of 1946, as amended. It covers, among others, those employees who are appointed to positions outside the Continental United States (as in Mr. [REDACTED] case), but it specifically limits the payment of transportation expenses upon separation to those who return from a duty station outside the U. S. No provision is made in BOB Circular A-56 for travel to place of residence of an employee terminating from a PCS point in the U. S., and I have discovered no indication that such a benefit is in fact accorded employees in other Governmental agencies except personnel traveling under authority of the Foreign Service Travel Regulations, notably Foreign Service personnel of the Department of State. 25X1A9a

(4) Although I am unaware of any authority for paying the travel and transportation expenses requested by Mr. [REDACTED], I believe it might be possible to adopt the FSTRs as a basis for granting his claim and future cases like it, just as the Administrative Task Force recommended the payment of travel and transportation expenses to CIAR retirees, regardless of duty station. If this authority were used, however, in approving [REDACTED] claim, it would require personal approval by the Executive Director-Comptroller, to whom such approval authority has been delegated by the Director. 25X1A9a

(5) It should be noted that the right of travel to place of residence upon separation or retirement within the Foreign Service is predicated generally upon employment within the Service and specifically upon observance of stipulated service requirements, such as employment within the Service for five years; having served a previous tour overseas, without having had home leave within the past year; or various other conditions specifically stated in the FSTRs. (Service requirements can be waived in the interests of the Service at the time of the employee's separation.) The Agency may adopt, under its authority in Section 8 of PL 110, the authority of the Secretary of State, without accepting all of the specific provisions of the FSTRs, i.e., the Agency can adopt the authority and apply it procedurally to its needs and requirements, but it is my understanding that the authorization of the Executive Director-Comptroller to adopt the administrative authority of other agencies must be, according to the terms of the delegation, for purposes necessary for the administration of all employees of the Agency (salary and retirement changes excluded). I assume this authority could not be invoked in the resolution of a single case, without deciding the individual claim within the context of a general policy, and it would have to be based upon a finding by the Executive Director-Comptroller that the policy was necessary for the administration

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of all employees. I would further assume that the Executive Director would not want to pass upon the necessity of a proposal for all employees of the Agency without the benefit of a recommendation based upon a stated rationale and its implications.

b. Policy

(1) If it is assumed that the only or preferred basis for a policy decision is the authority in the Foreign Service Act, it should be recognized that the fact whether or not an employee was assigned to an overseas position at the time of appointment is not germane. Instead, the decision to allow travel and transportation expenses to retirees, resignees or both from a PCS in the U. S. should turn on (a) relevancy of the adoptive authority to the Agency's situation; (b) necessity and desirability of the proposal for the administration of all employees; and (c) costs.

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(3) I am dubious if an authorization of the requested travel benefit is necessary for the administration of all employees at least in the narrow sense, since it has not been done to date and many of our personnel have little opportunity for overseas service. Notwithstanding, I believe a policy could be regarded as desirable and thus construed as necessary when applied to personnel who are required as a circumstance of employment to accept a commitment of availability for overseas service. Concomitant benefits for such career expectations provides a rationale for providing special benefits in the Foreign Service and could fit certain Agency personnel as well.

(4) The circumstances of the [REDACTED] case are in consonance with the justification offered by the Administrative Task Force in support of its recommendation for the payment of travel and transportation benefit to CIAR retirees. Under the terms of the Task Force recommendation, he would be eligible not only for shipment of household effects but also travel expenses for himself and family.

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3. Since Mr. [REDACTED] was apparently informed at the time of hire that he would be authorized return travel to California and since his continued legal residence in that State has been maintained in apparent conformance with such advice, I recommend that the Executive Director-Comptroller exercise his adoptive authority to approve [REDACTED] request

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25X1A9a on the basis of the proposed policy of the Administrative Task Force. The approval, if granted, should be made with the explicit understanding that the individual decision would be non-precedent making. This action would enable Mr. [REDACTED] to receive the travel benefit which would have accrued to him in the event the proposal is adopted except for the fact that his retirement will precede official action on the Task Force proposal. Deciding the case on a non-precedent basis would permit subsequent consideration of the Task Force proposal by all interested officials without the inhibition of having previously established a precedent decision.

25X1A9a 4. If in lieu of the above recommendation it is decided to consider the [REDACTED] case on the basis of his initial appointment to an overseas PCS point, I would suggest no action be taken on his request for payment of travel expenses from Washington, D. C. until the following items have been conclusively established: (a) the specific legal authority permitting payment of travel expenses from a point within the U. S.; (b) whether any other Governmental agency grants such payments under general travel legislation applicable also to CIA; and (c) the informal views of the GAO on such a proposal. Only then would we be in a position to fully resolve the policy issues implicit in a decision in the [REDACTED] case. For example, initial appointments overseas are essentially limited to radio and tech. personnel in the Office of Communications (approximately [REDACTED] a year and perhaps about 25X9A2 [REDACTED] on duty in these groups). The Clandestine Services that sends approximately 80% of its Career Trainees overseas within two years and about 50% of these officers within the first year does not initially appoint such personnel from their place of residence to an overseas point. Another issue involves the question whether the benefit should be limited only to personnel who retire after a career in CIA or whether it should be extended to any resignee who is initially appointed overseas. Lastly, an analysis should be made of the costs of providing a travel benefit from a PCS point in the U. S., under whatever conditions of eligibility are decided upon. In this respect, it should be noted that many of those initially appointed overseas now receive travel to place of residence as a consequence of their resignation or retirement overseas. Moreover, if the Task Force proposal is adopted, virtually all personnel retiring in the U. S. would receive the travel benefit as a member of CIAR. Thus, if such a benefit were not extended to affected Commo personnel resigning in the U. S., adoption of the Task Force proposal would take case of future cases comparable to Mr. [REDACTED] 25X1A9a request.

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Deputy Chief, Plans Division
Office of Personnel

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